

1983 Form

In the United States District Court  
For the Northern District of Alabama

FILED  
2013 DEC 30 P 12:01  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

**BRIAN HOLLEY / 213216**

(Enter above the full name(s) of the  
plaintiff(s) in this action)

CV-13-AR-2341-W

v

**JOLLY YOUNG JR. (C.O.1)**

**ALABAMA DEPT. OF CORRECTIONS Et.al**

**(WARDEN)-CHERYL PRICE**

**(ASST. WARDEN) DEWAYNE ESTES**

(Enter above full name(s) of the  
defendant(s) in this action)

I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (☒)

B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): N/A

Defendant(s) N/A

2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

3. Docket Number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Place of present confinement BIBB CORRECTIONAL FACILITY

A. Is there a prisoner grievance procedure in this institution?

Yes ( ) No (X)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ( ) No (X)

C. If your answer is YES:

1. What steps did you take? N/A - I asked for an I&I investigation  
but none was ever performed.

2. What was the result? No action

D. If your answer is NO, explain why not? There is no grievance procedure  
so all I could ask for an I&I investigation that was  
never performed.

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) BRIAN HOLLEY / 213216

Address Bibb Correctional Facility - 565 Bibb Lane, Brent, AL  
35034

In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item C for the names, positions, and places of employment of any additional defendants.

B. Defendant Jolly Young Jr. (C.O.1)  
is employed as Correctional Officer for Alabama Dept. of Corrections  
at Bibb Correctional Facility in Brent, AL 35034

C. Additional Defendants (Captain)- John Hutton, (Lt.) Timothy Butler  
and (Sgt.) Christopher Webster all of which are employed  
by the Alabama Dept. of Corrections at Bibb Correctional  
Facility in Brent, Al 35034.

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On December 29th, 2010 while in my assigned bay in (E)Dorm  
(4) Bay, I was attacked and brutally assaulted by Officer  
Jolly Young Jr. (C.O.1) without provocation. Officer Jolly  
Young Jr left his assigned post in (B) Dorm which is at the  
opposite end of the facility without permission and deliberately  
came to (E) dorm seeking me out so that he could attack me in  
retaliation for an altercation that occurred between he and I  
on August 14th, 1998, which was prior to my incarceration and  
prior to his becoming a correctional officer. I assert that this  
incident constitutes cruel and unusual punishment. An Officer  
of the Alabama Dept. of Corrections used his position and  
authority to inflict hurt, harm and danger upon an inmate under  
his charge.

(See Attached Sheets)

V. RELIEF

State briefly *exactly* what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I seek compensatory damages in the amount of Two Hundred Fifty  
Thousand (\$250,000) Dollars for the injuries sustained, the  
physical pain endured, the emotional and mental anguish sustained  
and I seek punitive damages in the amount of an additional  
Two Hundred Fifty Thousand (\$250,000) Dollars to curtail any  
future incidents of this nature happening to anyone else. Both Young  
& the Alabama Dept. of Corrections should be held accountable.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-6-13  
(date)

Brian Holley

Signature(s)

STATEMENT OF CLAIM (Continued)

Furthermore, Officer Young's actions constitute an abuse of power which resulted in inmate Brian Holley suffering a broken arm that required (2) screws, (1) pin, and a metal plate to correct.

In addition, Warden Cheryl Price and Assistant Warden Dewayne Estes, who served as Administrative Heads of Bibb Correctional Facility at the time of this incident had a responsibility to properly vet its officers and insure that none of them had personal ties or animosities towards any of the inmates at the facility in which they work.

Additionally, the security supervisors Captain John Hutton, Timothy Butler, and Christopher Webster had a responsibility to know where their officers are, and what they are doing at all times. In this instance, Officer Young walked right past the Shift Office where all of these supervisors perform their duties, and yet no one saw this Officer or took the time to inquire where he was going. This negligence is compounded by the fact that Captain John Hutton was aware of the fact that there was animosity between Officer Young and inmate Holley. One week prior to this attack, Captain Hutton told both Inmate Holley and Officer Young that as long as they remained on their respective ends of the facility there shouldn't be a problem. Captain Hutton then asked both parties "Is this the end of this? Both parties said that it was. However, its clear that Officer Young wasn't finished with it. Captain Hutton had the opportunity to have inmate Holley transferred but failed to do so. As a result, Officer Jolly Young Jr. left his post and went to the opposite end of the facility with the sole purpose to seek out and attack inmate Holley and that is exactly what he did. Action such as this constitutes assault under any definition, and since this occurred at a ADOC facility by an officer towards an inmate it

constitutes a violation of inmate Holley's constitutional and civil rights and as such relief is hereby being sought.